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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,313	12/13/2006	Lars Jorneus	NOBELB.233NP	7121
20995 7590 01/25/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER BUMGARNER, MELBA N	
			ART UNIT 3732	PAPER NUMBER
			NOTIFICATION DATE 01/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@knob.com
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Office Action Summary

Application No.

10/574,313

Applicant(s)JORNEUS ET AL. *CT***Examiner**

Melba Bumgarner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 11 is objected to because of the following informalities: currently amended to read "arrangeme stress". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are written such that it is not clear which parts are provided on the dental implant and/or turning instrument. In claims which refer to the lateral surfaces, it is unclear which, i.e. first or second, is further limited. Recitation of "the part of the tool", "the outermost part", "the portion with the internal socket", "said threads", and "said bending moments" lack sufficient antecedent basis. It is not clear if what is intended to be claimed is one first longitudinally extending part and plurality of the second longitudinally extending parts in claim 13, and further it is unclear which second longitudinally extending part is further limited in claim 14.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 3 are rejected as understood, under 35 U.S.C. 102(b) as being anticipated by Lazzara et al. (5,105,690). Lazzara et al. disclose a dental implant assembly comprising a dental implant 20 provided with an internal socket, a turning instrument 10 configured to engage the internal socket and to turn the implant having first lateral surfaces that can cooperate with corresponding second lateral surface in the socket, wherein the second surfaces are provided with means for enhancing friction between the instrument and the internal socket instrument. A cross section through the lateral surfaces has non-round geometries.

7. Claims 1, 3, 7, and 13-15 are rejected as understood, under 35 U.S.C. 102(e) as being anticipated by Engman (2002/0177105). Engman discloses a dental implant assembly comprising a dental implant 10 provided with an internal socket, a turning instrument 49 configured to engage the internal socket and to turn the implant having first lateral surfaces that can cooperate with corresponding second lateral surface in the socket, wherein the instrument comprises internal parts which extend beyond the first lateral surfaces and the parts are configured to be capable to take up bending moments. A cross section through the lateral surfaces has non-round geometries. Patentable weight is not given to the intended use of the assembly such as their interaction, however, the assembly is capable of being used with limited

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degree of loading or turning. The part of the instrument extending beyond the first surfaces has first longitudinally extending part having a greater diameter than a diameter of second longitudinally extending part. The turning instrument is capable of functioning in the event of skewing. The dental implant bears internal threads 12.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzara et al. in view of Hoy (5,259,580). Lazzara et al. disclose an assembly that shows the limitations as described above; however, they do not show enhancing friction between the instrument and the internal socket comprising a friction-enhancing coating on the first lateral surfaces. Hoy teaches the turning instrument comprising friction-enhancing coating 6 on the lateral surfaces 5. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the instrument of Lazzara et al. to have the coating of Hoy in order to have optimal transmission of torque. Hoy shows chosen degree of roughness. Hoy teaches particles of friction material including diamond and metal particles. It would have been obvious matter of choice to one of ordinary skill in the art as to the specific particles of friction material. It would have been obvious to one of ordinary skill in the art as to whether the first lateral surfaces or its corresponding second lateral surfaces comprise friction-enhancing coating.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engman. Engman discloses an assembly that shows the limitations as described above; however, Engman does not show the length of the part. It would have been an obvious matter of choice to one having ordinary skill in the art to have the part of the tool to be about 3 to 5 times longer than the longitudinal length of the first lateral surfaces as the part is adequately fit into the implant.

Conclusion

11. Any inquiry concerning this communication from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melba Bumgarner
Primary Examiner